

JAP:WDS

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

**M-11-946**

- - - - -X

UNITED STATES OF AMERICA

COMPLAINT AND AFFIDAVIT  
IN SUPPORT OF APPLICATION  
FOR ARREST WARRANT

- against -

JOSE ORTIZ,

(18 U.S.C § 751(a))

Defendant.

- - - - -X

EASTERN DISTRICT OF NEW YORK, SS:

PATRICK LIN, being duly sworn, deposes and states that he is a Deputy United States Marshal duly appointed according to law and acting as such.

Upon information and belief, on or about September 15, 2011, within the Eastern District of New York and elsewhere, the defendant JOSE ORTIZ, having been convicted of an offense, did knowingly and intentionally escape from the custody of the Attorney General or his authorized representative.

(Title 18, United States Code, Section 751(a)).

The source of your deponent's information and the grounds for his belief are as follows:<sup>1/</sup>

---

<sup>1/</sup> Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all of the relevant facts and circumstances of which I am aware. In addition, when I rely on statements made by others, such statements are set forth in part and in substance unless otherwise indicated.

1. On or about April 7, 2009, the defendant JOSE ORTIZ was sentenced by Judge George Z. Singal of the United States District Court for the District of Maine to a term of 50 months' imprisonment in the custody of the Attorney General of the United States. Specifically, the defendant was sentenced to 45 months in custody in connection with his conviction for possession with intent to distribute cocaine base, contrary to Title 21, United States Code, Section 841(a)(1), and to five months in custody in connection with his conviction for failure to appear, contrary to Title 18, United States Code, Section 3146(a)(1), to run consecutively.

2. On or about March 1, 2011, the defendant JOSE ORTIZ was transferred from F.C.I. Fairton to the Brooklyn Residential Reentry Center ("BRRRC") and was thereafter placed on home detention status. The defendant's term of custody was scheduled to be completed on November 18, 2011.

3. On or about September 15, 2011, the defendant returned to the BRRRC for a required check-in appointment. At that appointment, the defendant requested a pass privilege, stating that his father had passed away. BRRRC staff members determined that this was false, and the defendant was immediately removed from home detention status. Later that evening, the defendant was accounted for during the 9:15 p.m. count, but was missing at the 11:00 p.m. count. An immediate recount confirmed

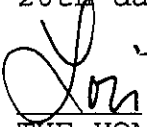
that the defendant was not present in the facility. Thereafter the defendant failed to return to the BRRC. The defendant was scheduled to remain at the facility until November 18, 2011.

4. As of this date, the defendant JOSE ORTIZ has failed to return to the BRRC.

WHEREFORE, your deponent respectfully requests that a warrant issue for the arrest of the defendant JOSE ORTIZ so that he may be dealt with according to law.

  
PATRICK LIN  
Deputy Marshal  
U.S. Marshals Service

Sworn to before me this  
20th day of September, 2011

  
THE HON  
UNITED  
EASTERN

s/Bloom

\_\_\_\_\_  
JUDGE  
K